IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

PARSI SUIT NO. 31 OF 2006

Mr. Sheriar Dady Daruwalla. .. Plaintiff No.1.

and

Mrs. Roshni Sheriar Daruwalla. .. Plaintiff No.2.

...

Mrs. Armaity S. Khushrushahi for the Plaintiffs.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

1ST DECEMBER, 2006.

P.C. :

1. This suit has been filed under Section 32-B of the Parsi Marriage and Divorce Act, 1936 for divorce by mutual consent. Parties were married on 15th February 1985 according to Parsi Zoroastrian rites and customs. The First and Second Plaintiffs have a daughter who was born on 31st December 1985 and who has now attained majority. Serious differences arose between the parties in 1992 and since 9th November 1996, they have resided separately. Parties have arrived at Consent terms under which the First Plaintiff has agreed to pay a lump sum alimony of Rs.3.00 lacs to the Second Plaintiff and an additional amount of Rs.2.00 lacs to cover the cost of education of the daughter. Two Pay Orders have accordingly been handed over in the Court today by the First Plaintiff to the Second Plaintiff. The Second Plaintiff is employed with Associated Cement Companies and is gainfully employed.

2. Both the First and Second Plaintiffs have filed their affidavits in lieu of the examination in chief and are present before the Court. Both the parties have stated before the Court that they have applied for divorce by mutual consent voluntarily and that there has been no coercion, force, fraud or undue influence.

3. Having regard to the circumstances of the case and in particular, considering the position that parties have resided separately since 1996, I am of the view that there is no reason why a divorce by mutual consent should not be granted.

4. In these circumstances, the suit shall stand decreed in terms of prayer Clauses (a) and (b).